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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,193	06/19/2003	George B. Hanna	030102/BLL-0091	8787
36192	7590	04/26/2005	EXAMINER	
CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			BARNIE, REXFORD N	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,193	HANNA ET AL.	
	Examiner	Art Unit	
	REXFORD N BARNIE	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 28 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2,4-8,10-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-8,10-13 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

R. Barnie
REXFORD BARNIE
PRIMARY EXAMINER

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zey (US Pat# 6,718,029) in view of Malik (US Pat# 6,324,269, cited by applicant)

Regarding claim 1, Zey teaches a method for making a long distance call comprising:

calling from any available telephone including a landline or wireless terminal in (see col. 4 lines 37-54) an assigned telephone number to access a sign-up calling plan service billed to a home plan which includes a PIC code with a number sequence

responding to a calling plan service announcement by entering a selection responsive to "accounting codes" which would include a long distance calling plan if a call is made from a wireless terminal or regular telephone to be billed to a calling card account as chosen by the calling party in (see col. 8 lines 46-65, col. 6 lines 32-42, col. 3 lines 43-50);

responding to a calling plan selection, entering a telephone number which is equivalent to the calling card number to which the call made is to be billed in (see col. 10 lines 36-40) and dialing out the telephone to complete the call if the account information is a valid one.

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Zey teaches being able to bill calls to a telephone account even when one is not home but fails to teach inputting a PIN and that calls can be billed to a home account can be billed as if they originated from the home, i.e.; home rate.

It's known to require callers to input a telephone number account + a PIN to authenticate a caller for telephony services.

Malik teaches a method and system for billing remote calls from a remote station other than a home phone as if it was made from a home phone comprising: calling an assigned telephone number to assign a calling plan service billed to a home phone, responding to a calling plan service announcement by entering a home number and entering a telephone number to complete a call in (see col. 2 lines 1-22). Furthermore, according to Malik teaches that a caller can input a home number and a PIN after which a destination number can be dialed out.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Malik into that of the Zey thus making it possible to reduce telephone charges when calls are made remotely from one's home and to reduce fraud.

Regarding claim 2, The combination teaches that one can make a call remotely and have the call billed to one's account

Regarding claim 4, The examiner takes official notice that it's well known to alert a user to the fact that a number doesn't exist or been disconnected or a call can't be connected as dialed or a password is incorrect for call completion or insufficient funds.

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Claims 5-8, 10, 11, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Pat# 6,324,269, cited by applicant) in view of Zey (US Pat# 6,718,029).

Regarding claim 5, Malik teaches a method and system for billing remote calls from a remote station other than a home phone as if it was made from a home phone comprising: calling an assigned telephone number to assign a calling plan service billed to a home phone, responding to a calling plan service announcement by entering a home number and entering a telephone number to complete a call in (see col. 2 lines 1-22). Furthermore, according to Malik teaches that a caller can input a home number and a PIN after which a destination number can be dialed out.

Malik teaches a service control node which prompts a user but fails to teach that a user can be prompted for a selection via a menu.

Zey teaches a calling from any available telephone including a landline or wireless terminal in (see col. 4 lines 37-54) an assigned telephone number to access a sign-up calling plan service billed to a home plan which includes a PIC code with a number sequence

responding to a calling plan service announcement by entering a selection responsive to "accounting codes" which would include a long distance calling plan if a call is made from a wireless terminal or regular telephone to be billed to a calling card account as chosen by the calling party in (see col. 8 lines 46-65, col. 6 lines 32-42, col. 3 lines 43-50);

responding to a calling plan selection, entering a telephone number which is equivalent to the calling card number to which the call made is to be billed in (see col. 10 lines 36-40) and dialing out the telephone to complete the call if the account information is a valid one.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made at the time the invention was made to incorporate the teaching of Zey into that of Malik thus making it possible to select a desired service as offered by a provider when completing outgoing call based on needs of the caller.

Regarding claim 6, The combination teaches being able to bill a call to a calling card plan which would be like billing the call to one's home account and also, billing call made remotely as though they originated from a home plan.

Regarding claims 7-8, The combination teaches the claimed subject matter.

Regarding claim 10, The examiner takes official notice that it's well known to alert a user to the fact that a number doesn't exist or been disconnected or a call can't be connected as dialed or a password is incorrect for call completion or insufficient funds.

Regarding claim 11, Malik teaches an advanced intelligent network and a method and system for billing remote calls from a remote station other than a home phone as if it was made from a home phone comprising: calling an assigned telephone number to assign a calling plan service billed to a home phone, responding to a calling plan service announcement by entering a home number and entering a telephone number to complete a call in (see col. 2 lines 1-22). Furthermore, according to Malik teaches that a caller can input a home number and a PIN after which a destination number can be

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dialed out. Furthermore, the SCP can be queried to validate the received information including inputs of a caller including a home telephone number and PIN information.

Malik teaches a service control node which prompts a user but fails to teach that a user can be prompted for a selection menu.

Zey teaches a calling from any available telephone including a landline or wireless terminal in (see col. 4 lines 37-54) an assigned telephone number to access a sign-up calling plan service billed to a home plan which includes a PIC code with a number sequence

responding to a calling plan service announcement by entering a selection responsive to "accounting codes" which would include a long distance calling plan if a call is made from a wireless terminal or regular telephone to be billed to a calling card account as chosen by the calling party in (see col. 8 lines 46-65, col. 6 lines 32-42, col. 3 lines 43-50);

responding to a calling plan selection, entering a telephone number which is equivalent to the calling card number to which the call made is to be billed in (see col. 10 lines 36-40) and dialing out the telephone to complete the call if the account information is a valid one. Furthermore, an account identifier can be validated by query a DAP database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made at the time the invention was made to incorporate the teaching of Zey into that of Malik thus making it possible to select a desired service as offered by a provider when completing outgoing call based on needs of the caller.

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Regarding claim 12, The combination teaches being to make calls away from home.

Regarding claim 13, The combination teaches selection among a plurality of menu features including calling card, accounting codes and so forth as taught by Zey thus rendering obvious the claimed subject matter.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malik (US Pat# 6,324,269, cited by applicant) in view of Zey (US Pat# 6,718,029) and further in view of Kruger et al. (US Pat 2003/0152211).

Regarding claim 15, the combination fails to teach the claimed subject matter but Kruger teaches selecting a numbering plan with the use of indicators wherein these indicators can comprise a selection of whether a call is an international or not in (see section 0038-0040) during call setup.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kruger into that of the combination thus making it possible to complete calls as desired and also, billed them accordingly.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **REXFORD N BARNIE** whose telephone number is (703)306-2744. The examiner can normally be reached on M-F 9:00-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PRIMARY EXAMINER
REXFORD BARNIE
04/20/05


REXFORD BARNIE
PRIMARY EXAMINER